

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Wanda Holbert,)	C/A No. 6:21-cv-04165-SAL
)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Kilolo Kijakazi, Acting Commissioner)	
of Social Security,)	
)	
Defendant.)	
_____)	

Plaintiff Wanda Holbert (“Plaintiff”) brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying her claim for disability insurance benefits under Title II of the Social Security Act. [ECF No. 1.] In accordance with 28 U.S.C. § 636 and Local Civil Rule (D.S.C.) 73.02(B)(2)(a), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial handling. On August 3, 2022, the Magistrate Judge issued a Report and Recommendation (“Report”), recommending that the Commissioner’s decision be reversed and remanded for further proceedings. [ECF No. 11.] Attached to the Report is a Notice of Right to File Objections. *Id.* at 9. Neither party filed objections to the Report.¹

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to,

¹ The Commissioner filed a notice of intent not to file objections to the Report. [ECF No. 12.]

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 11, and incorporates the Report by reference herein. Accordingly, the Commissioner’s decision is **REVERSED** pursuant to sentence four of 42 U.S.C. § 405(g), and this case is **REMANDED** to Defendant for further proceedings as outlined in the Report.

IT IS SO ORDERED.

/s/ Sherri A. Lydon
United States District Judge

August 29, 2022
Columbia, South Carolina